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In re Application of :  
YUKI et al. :  
Application No.: 10/069,192 :  
PCT No.: PCT/JP00/02616 :  
Int. Filing Date: 21 April 2000 : DECISION  
Priority Date: 23 April 1999 :  
Attorney Docket No.: 44342.013500 :  
For: METHOD FOR PULVERIZING TO FINE :  
POWDER :

This decision is in response to applicants' "Petition" filed 12 April 2002, which is being treated as a request for corrected filing receipt and request for refund.

### BACKGROUND

On 21 April 2000, applicant filed international application PCT/JP00/02616, which claimed a priority date of 23 April 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 November 2000. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 23 October 2001.

On 23 October 2001, applicant filed a TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee; copy of the international application; an executed declaration; and a preliminary amendment. These application papers were assigned application number 10/069,192.

On 10 January 2002, applicant filed "LETTER AND REQUEST" requesting that the copy of the application papers accompanying the communication and purportedly filed by Express Mail on 10 January 2002 be accepted as having been received on 23 October 2001 and processed. This submission was treated as a new application and assigned application number 10/031,102.

On 28 March 2002, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 10 January 2002. Subsequently, an Official Filing Receipt was issued

indicating a "FILING DATE" of 10 January 2002. The serial number listed on the Notification of Acceptance and Official Filing Receipt as 10/031,102.

### DISCUSSION

Upon review of both application files, it is concluded that the papers filed 10 January 2002 were erroneously processed as a purported new application and assigned application No. 10/031,102. Accordingly, the papers filed on 01 March 2002 have been placed in application number 10/069,192. Purported application 10/031,102 is no longer an active application number and should not be used in any future correspondence regarding this application. Applicants' Deposit Account No. 50-1561 will be refunded the following fees: \$890.00 (fee code 970) and \$40.00 (fee code 581).

A review of the application file reveals that the basic national fee and declaration were filed with the USPTO on 23 October 2001, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. Therefore, the "FILING DATE" on the Filing Receipt and the Notification of Acceptance will indicate a date of 23 October 2001 since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 23 October 2001.

Applicant should use application number **10/069,192** in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/JP00/02616.

### CONCLUSION

Applicant's request for the issuance of a corrected filing receipt indicating a "Filing Date" of 23 October 2001 is GRANTED.

Applicants' request for refund is GRANTED.

The papers filed on 10 January 2002 have been placed in application number 10/069,192.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) and Official Filing Receipt for application no. 10/031,102 is hereby **VACATED**.

The application has an international filing date of 21 April 2000 under 35 U.S.C. 363 and a date of **23 October 2001** under 35 U.S.C. 371.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for mailing of a

NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **23 October 2001** under 35 U.S.C. 371.

This application will then be returned to Art Unit 1614 for further prosecution.



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